

## Implementing Order



**Implementing Order No.:** IO 8-6

**Title:** PROHIBITION ON SMOKING AND THE USE OF ELECTRONIC CIGARETTES AND OTHER NICOTINE DISPENSING DEVICES IN ALL COUNTY ENCLOSED INDOOR WORKPLACES

**Ordered:** 6/03/2014

**Effective:** 6/13/2014

### **AUTHORITY:**

Section 5.02 of the Miami-Dade County Charter; the Florida Clean Indoor Air Act, Part II of Chapter 386, Florida Statutes; Chapter 641-4, Florida Administrative Code; and Resolution No. R-145-14, all as such may be amended from time to time.

### **SUPERSEDES:**

This Implementing Order supersedes previous Administrative Order 8-6, ordered and effective June 1, 1992 and Administrative Order 8-6 ordered and effective April 7, 1994; and all previous policies concerning smoking in County-owned and leased facilities as well as in County-owned vehicles.

### **POLICY:**

It is the policy of Miami-Dade County to comply with the Florida Clean Indoor Air Act, Part II of the Chapter 386, Florida Statutes, related to the regulation of smoking in all enclosed indoor workplaces owned or operated by Miami-Dade County, subject to the exceptions set forth in Florida Clean Indoor Air Act. It is further the policy of Miami-Dade County to prohibit the use of electronic cigarettes and other nicotine dispersing devices in all enclosed indoor workplaces owned or operated by Miami-Dade County, subject to the exceptions set forth in the Florida Clean Indoor Air Act.

“Nicotine dispensing devices” means any product that can be used to deliver nicotine to an individual by inhaling a vapor from the product, whether or not such vapor actually includes nicotine, including, but not limited to, an electronic cigarette, “e-cigarette”, electronic cigar, electronic cigarillo, electronic pipe, and/or other similar device or product.

Miami-Dade County employees on duty may not smoke or use electronic cigarettes or other nicotine dispensing devices except in authorized areas, during authorized breaks and lunch periods. This policy shall be prominently posted in compliance with the Florida Clean Indoor Air Act.

### **EXCEPTIONS:**

The specific exceptions set forth in the Florida Clean Indoor Air Act, Part II of Chapter 386, Florida Statutes, as such may be amended from time to time, shall apply to this policy both as to smoking and the use of electronic cigarettes and other nicotine dispensing devices.

Smoking and the use of electronic cigarettes and other nicotine dispensing devices shall be permitted in places owned or operated by the County that are recognized as

exceptions under the Florida Clean Indoor Air Act, as such may be amended from time to time, including, but not limited to, each of the following places:

1. Customs smoking rooms in airport in-transit lounges meeting certain criteria;
2. Private residences not being used commercially to provide child care, adult care or health care;
3. Designated smoking guest rooms at public lodging establishments; and
4. Stand-alone bars devoted predominantly or totally to serving alcohol, and in which the serving of food, if any, is merely incidental to the consumption of alcoholic beverages.

#### **ANONYMOUS COMPLAINT PROCEDURES:**

County Facilities: Individuals who are subjected to environmental or second-hand smoke from lighted tobacco or vapor from electronic cigarettes and other nicotine dispensing devices in an enclosed indoor workplace, unless an exception applies, have the right to file an anonymous complaint against the violator with the Building Manager or enforcing authority. If the violator is a member or County staff the complaint will list the name and department if known. The Building Manager will forward the complaint to the appropriate department director or facility custodian for action.

County-owned or Operated Vehicles: Individuals who are subjected to environmental or secondary smoke from lighted tobacco products or vapor from electronic cigarettes and other nicotine dispensing devices in a county-owned or operated vehicle have to the extent prohibited under the Florida Clean Indoor Air Act the right to file an anonymous complaint against the violator with the Internal Services Department (ISD) Fleet Dispatcher. The complaint will list the name and department of the violator, if known. The ISD Fleet Dispatcher will forward the complaint to the appropriate department director for action.

#### **FORMAL COMPLAINT PROCEDURE:**

An employee may, if they desire, report violations of this Implementing Order by making a formal complaint to his or her supervisors. Supervisors shall forward all complaints through their department directors to the respective violator's department director.

In the event a member of the general public is found to be in violation of this policy, staff will politely inform the person that Miami-Dade County complies with the Florida Clean Indoor Air Act and that the person may not smoke or use electronic cigarettes and other nicotine dispensing devices in an enclosed indoor workplace, unless an exception applies. Staff will ask the person to promptly extinguish the lighted tobacco product or discontinue use of an electronic cigarette or other nicotine dispensing device prior to using other enforcement measures.

A smoking cessation program will be made available to employees as part of the County's Wellness Program.

#### **ENFORCEMENT:**

This Implementing Order shall be enforced pursuant to and consistent with the Florida Clean Indoor Air Act and Resolution No. R-145-14.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.